

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Case No. 98-CR-0128-001-SEH</b>
<b>ERNEST CLIFTON ROWLAND,</b>	)	
	)	
<b>Defendant.</b>	)	

**OPINION AND ORDER**

On July 29, 2009, Magistrate Judge Frank H. McCarthy entered a report and recommendation (Dkt. # 156) recommending that the government's motion to conduct a private sale of property (Dkt. # 152) be granted. No objection has been filed to the Report and Recommendation and the ten-day time limit of Fed. R. Civ. P. 72(b) has run. The Court has also independently reviewed the Report and Recommendation and sees no reason to modify or reject it.

Therefore, the Court hereby **adopts** the Report and Recommendation (Dkt. # 156), **grants** the motion to conduct private sale (Dkt. # 152), and hereby orders the following as to the described property located in Tulsa County, Oklahoma:

**Lot Seventeen (17), Block Twenty-Four (24), Amended Plat of  
NORTHRIDGE SECOND ADDITION to the City of Tulsa, Tulsa County,  
State of Oklahoma, according to the recorded plat thereof, also known as  
4827 N. Wheeling Avenue, Tulsa, OK 74130.**

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that:

- (1) pursuant to 28 U.S.C. § 2001(b), the subject real property shall be sold at a private judicial sale;
- (2) the property shall be sold in a commercially reasonable manner and in accordance with 28 U.S.C. § 2001(b);

- (3) the plaintiff may employ Juanita Smith, of RE/MAX Executives, 7615 E. 63<sup>rd</sup> Pl., Ste. 105, Tulsa, Oklahoma, to market and sell the real property at private judicial sale;
- (4) the plaintiff may pay Juanita Smith, of RE/MAX Executives, a fee of \$2,500.00 to be deducted from any accepted offer that may be made at the sales transaction;
- (5) A United States Marshal shall assist the realtor, Juanita Smith, of RE/MAX Executives, in obtaining entrance to the property, and re-keying the premises in order to allow reasonable access inside. Juanita Smith, of RE/MAX Executives, is granted access to the subject property during regular business hours (i.e., 9:00 a.m. - 7:00 p.m., any day of the week) for marketing purposes and is hereby granted authority to conduct a sale on the subject property. Defendant shall not interfere with reasonable access to the subject property for marketing or sale; and
- (6) that Pamela Fegley, 2263 S. Rockford, Tulsa, Oklahoma; Rick Peterson, 5514 S. Lewis, Tulsa, Oklahoma; and Phillip B. Sanger, 3336 E. 32<sup>nd</sup> St., Ste. 1A, Tulsa, Oklahoma, are appointed as three disinterested persons residing in Tulsa County, Oklahoma, to appraise the subject property.

**DATED** this 18th day of August, 2009.

  
CLAIRE V. EAGAN, CHIEF JUDGE  
UNITED STATES DISTRICT COURT